

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY APRIL 11, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2257

Introduced by Assembly Member Maienschein
(Coauthors: Assembly Members Brough, Chang, and Jones)
(Coauthor: Senator Bates)

February 18, 2016

An act to amend Section 54954.2 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2257, as amended, Maienschein. Local agency meetings: agenda: online posting.

The Ralph M. Brown Act enables the legislative body of a local agency to call both regular and special meetings. The act requires the legislative body of a local agency to post, at least 72 hours before the meeting, an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, in a location that is freely accessible to members of the public and to provide a notice containing similar information with respect to a special meeting at least 24 hours prior to the special meeting. The act requires that the agenda or notice be freely accessible to members of the public and be posted on the local agency's Internet Web site, if the local agency has one.

This bill would require an online posting of an agenda by a local agency to have a prominent direct link to the current agenda itself. The bill would require the link to be on the local agency's Internet Web site

homepage, not in a contextual menu on the homepage, and would require the agenda to be posted in an open format that meets specified requirements, including that the agenda is platform independent and machine readable. *The bill would make these provisions applicable on and after January 1, 2019.*

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 54954.2 of the Government Code is
2 amended to read:
3 54954.2. (a) (1) At least 72 hours before a regular meeting,
4 the legislative body of the local agency, or its designee, shall post
5 an agenda containing a brief general description of each item of
6 business to be transacted or discussed at the meeting, including
7 items to be discussed in closed session. A brief general description
8 of an item generally need not exceed 20 words. The agenda shall
9 specify the time and location of the regular meeting and shall be
10 posted in a location that is freely accessible to members of the
11 public and on the local agency's Internet Web site, if the local
12 agency has one. If requested, the agenda shall be made available
13 in appropriate alternative formats to persons with a disability, as
14 required by Section 202 of the Americans with Disabilities Act of
15 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations
16 adopted in implementation thereof. The agenda shall include
17 information regarding how, to whom, and when a request for
18 disability-related modification or accommodation, including

1 auxiliary aids or services, may be made by a person with a
2 disability who requires a modification or accommodation in order
3 to participate in the public meeting.

4 (2) *On and after January 1, 2019, the following provisions shall*
5 *apply:*

6 (A) An online posting of an agenda shall be posted on the local
7 agency's homepage accessible through a prominent, direct link to
8 the current agenda.

9 (B) The direct link to the agenda ~~required~~ shall not be in a
10 contextual menu.

11 (C) The agenda shall be posted in an open format that meets all
12 of the following requirements:

13 (i) Retrievable, downloadable, indexable, and electronically
14 searchable by commonly used Internet search applications.

15 (ii) Platform independent and machine readable.

16 (iii) Available to the public free of charge and without any
17 restriction that would impede the reuse or redistribution of the
18 public record.

19 (D) The requirements of subparagraphs (A), (B), and (C) shall
20 be deemed satisfied if the legislative body of a board, commission,
21 or agency of a county, city, whether general or chartered, city and
22 county, town, school district, municipal corporation, district, or
23 political subdivision posts an agenda, in compliance with
24 subparagraphs (A), (B), and (C), on the homepage of the board,
25 commission, or agency. Subparagraphs (A), (B), and (C) shall not
26 be construed to require the agenda for a meeting of a board,
27 commission, or agency to be posted on the homepage of the local
28 agency that created the board, commission, or agency.

29 ~~(2)~~

30 (3) No action or discussion shall be undertaken on any item not
31 appearing on the posted agenda, except that members of a
32 legislative body or its staff may briefly respond to statements made
33 or questions posed by persons exercising their public testimony
34 rights under Section 54954.3. In addition, on their own initiative
35 or in response to questions posed by the public, a member of a
36 legislative body or its staff may ask a question for clarification,
37 make a brief announcement, or make a brief report on his or her
38 own activities. Furthermore, a member of a legislative body, or
39 the body itself, subject to rules or procedures of the legislative
40 body, may provide a reference to staff or other resources for factual

1 information, request staff to report back to the body at a subsequent
2 meeting concerning any matter, or take action to direct staff to
3 place a matter of business on a future agenda.

4 (b) Notwithstanding subdivision (a), the legislative body may
5 take action on items of business not appearing on the posted agenda
6 under any of the conditions stated below. Prior to discussing any
7 item pursuant to this subdivision, the legislative body shall publicly
8 identify the item.

9 (1) Upon a determination by a majority vote of the legislative
10 body that an emergency situation exists, as defined in Section
11 54956.5.

12 (2) Upon a determination by a two-thirds vote of the members
13 of the legislative body present at the meeting, or, if less than
14 two-thirds of the members are present, a unanimous vote of those
15 members present, that there is a need to take immediate action and
16 that the need for action came to the attention of the local agency
17 subsequent to the agenda being posted as specified in subdivision
18 (a).

19 (3) The item was posted pursuant to subdivision (a) for a prior
20 meeting of the legislative body occurring not more than five
21 calendar days prior to the date action is taken on the item, and at
22 the prior meeting the item was continued to the meeting at which
23 action is being taken.

24 (c) This section is necessary to implement and reasonably within
25 the scope of paragraph (1) of subdivision (b) of Section 3 of Article
26 I of the California Constitution.

27 (d) For purposes of subdivision (a), the requirement that the
28 agenda be posted on the local agency's Internet Web site, if the
29 local agency has one, shall only apply to a legislative body that
30 meets either of the following standards:

31 (1) A legislative body as that term is defined by subdivision (a)
32 of Section 54952.

33 (2) A legislative body as that term is defined by subdivision (b)
34 of Section 54952, if the members of the legislative body are
35 compensated for their appearance, and if one or more of the
36 members of the legislative body are also members of a legislative
37 body as that term is defined by subdivision (a) of Section 54952.

38 SEC. 2. The Legislature finds and declares that Section 1 of
39 this act, which amends Section 54954.2 of the Government Code,
40 furthers, within the meaning of paragraph (7) of subdivision (b)

1 of Section 3 of Article I of the California Constitution, the purposes
2 of that constitutional section as it relates to the right of public
3 access to the meetings of local public bodies or the writings of
4 local public officials and local agencies. Pursuant to paragraph (7)
5 of subdivision (b) of Section 3 of Article I of the California
6 Constitution, the Legislature makes the following findings:

7 It is in the public interest to ensure that members of the public
8 can easily and quickly find and access meeting agendas on the
9 Internet homepage of local agencies.

10 SEC. 3. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district under this act would result from a legislative mandate that
14 is within the scope of paragraph (7) of subdivision (b) of Section
15 3 of Article I of the California Constitution.